831	aperwork Reduction Act of 1995	no person	age required to respond to a collection of information unless it displays a valid C Application Number 10/052,692			
TRANSMITTAL FORM (to be used for all correspondence after initial filing)			Filing Date	1/19/2002	2	
			First Named Inventor	Catherine	Lin-Hendel	
			Art Unit	2173		
			Examiner Name	Raymond	J. Bayerl	
Total Number of Pages in This Submission 26			Attorney Docket Number	LH 007	LH 007	
		ENC	LOSURES (Check al	l that apply	34)	
			LOGGILO (CHECK AI	i iliat appi	After Allowance Communication to T	
Fee Tran	nsmittal Form		Drawing(s)			
√ F	ee Attached	Licensing-related Papers		Appeal Communication to Board of Appeals and Interferences		
Amendment/Reply F			etition		Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)	
P			Petition to Convert to a		Proprietary Information	
			Provisional Application Power of Attorney, Revocation			
Affidavits/declaration(s)			hange of Correspondence Address		Status Letter Other Enclosure(s) (please Identify	
Extension of Time Request			Terminal Disclaimer		below):	
Express Abandonment Request			Request for Refund		Return Receipt Postcard	
Information Disclosure Statement C			CD, Number of CD(s)			
_			Landscape Table on C	D		
Certified Documer	Copy of Priority	Remai			1	
	Missing Parts/					
Incomple	te Application					
	Reply to Missing Parts nder 37 CFR 1.52 or 1.53					
	SIGNA	TURE C	F APPLICANT, ATTO	RNEY, C	OR AGENT	
Firm Name	Anatoly S. Weiser, Esq.			· ·		
Signature	artely	L	Del-			
Printed name	Anatoly S. Weiser			<u>.</u>		
Date 7/27/2005				Reg. No.	43,229	
				-		
			ATE OF TRANSMISS			

Typed or printed name

Anatoly S. Weiser

Date 7/27/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Fees Paid (\$)

250

Approved for use through 07/31/2006. OMB 0651-0032

0 1 2005 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE rwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number Under the Page Effective on 12/08/2004. Complete if Known int to the Consolidated Appropriations Act, 2005 (H.R. 4818). **Application Number** 10/052,692 TRANSMITTAI Filing Date 1/19/2002 For FY 2005 First Named Inventor Catherine Lin-Hendel **Examiner Name** Raymond J. Bayerl Applicant claims small entity status. See 37 CFR 1.27 Art Unit 2173 TOTAL AMOUNT OF PAYMENT 250 Attorney Docket No. LH007 METHOD OF PAYMENT (check all that apply) Check Credit Card Money Order None Other (please identify): Deposit Account Deposit Account Number: 50-3196 _ Deposit Account Name: Anatoly S. Weiser For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments under 37 CFR 1.16 and 1.17 WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card Information and authorization on PTO-2038. **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES SEARCH FEES EXAMINATION FEES** Small Entity **Small Entity** Small Entity **Application Type** Fee (\$) Fees Paid (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Utility 300 150 500 200 100 250 Design 200 100 100 130 50 65 Plant 200 100 300 150 160 80 300 Reissue 150 500 600 250 300 Provisional 200 100 0 0 0 0 2. EXCESS CLAIM FEES Small Entity

Fee Description			<u>Fee (\$</u>	<u>Fee (\$)</u>
Each claim over 20 (including Reis	sues)		50	25
Each independent claim over 3 (inc	200	100		
Multiple dependent claims			360	180
Total Claims Extra Claims	<u>Fee (\$)</u>	Fee Paid (\$)	<u>Multipl</u>	e Dependent Claims
20 or HP =	x	_=	Fee (S	<u>Fee Paid (\$)</u>
HP = highest number of total claims paid for, if	greater than 20.			
Indep. Claims Extra Claims	<u>Fee (\$)</u>	Fee Paid (\$)		
3 or HP =	x	=		
HP = highest number of independent claims pa	id for, if greater th	nan 3.		
3. APPLICATION SIZE FEE	1100 1		1	·
If the specification and drawings exc			•	•
listings under 37 CFR 1.52(e)), the	ne application	size fee due is \$250	(\$125 for small entity)	for each additional 50
sheets or fraction thereof. See 35	U.S.C. 41(a)	(1)(G) and 37 CFR 1	.16(s).	
Total Sheets Extra Sheets		<u>r óf eách additional 50</u>		Fee (\$) Fee Paid (\$)
100 =	/ 50 =	(round up to a	a whole number) x	=

SUBMITTED BY		Λ		
Signature	Unai		Registration No. (Attorney/Agent) 43,229	Telephone 858-720-9431
Name (Print/Type)	Anatoly S. Weiser	. 7		Date 7/27/2005

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

4. OTHER FEE(S)

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Catherine LIN-HENDEL

Serial No.:

10/052,692

Filed:

January 19, 2002

For:

AUTOMATED SCROLLING OF

BROWSER CONTENT AND AUTOMATED ACTIVATION OF

BROWSER LINKS

Mail Stop Appeal Brief-Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

08/02/2005 SHASSEN1 00000036 503196 10052692

01 FC:2402

250.00 DA

Art Unit: 2173

Examiner:

Raymond J. BAYERL

Tel:

(571) 272-4045

CERTIFICATE OF MAILING (37 CFR § 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

on 7/27/2005

te By:

APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

This Appeal Brief is responsive to the rejection mailed on March 3, 2005 in the above-referenced patent application. It is being filed within two months of the filing of a Notice of Appeal in this case. Therefore, the Appeal Brief is timely and no time extension fee is due. If Applicant's attorney is mistaken in this regard, Applicant conditionally petitions for an extension of time, and authorization is hereby granted to charge all required time extension fees to Deposit Account No. 50-

3196. Authorization is also granted to charge to the same Deposit Account all other fees necessary to file this Appeal Brief.

I REAL PARTY IN INTEREST

In this Appeal, the real party in interest is Dr. Catherine Lin-Hendel, Applicant-Appellant herein.

II RELATED APPEALS AND INTERFERENCES

Applicant-Appellant and the undersigned legal representative do not know of any other appeal, interference, or judicial proceeding that is related to, directly affects, is directly affected by, or has a bearing on the decision of the Board of Patent Appeals and Interferences in this Appeal.

III STATUS OF CLAIMS

The status of claims in the present application is as follows:

Claims 1 through 39 have been rejected and are pending.

Applicant appeals from the rejection of claims 1-39.

IV STATUS OF AMENDMENTS

Applicant has not filed amendments in response to the final Office action mailed on March 3, 2005 (the "Final Office Action" hereinafter).

V SUMMARY OF CLAIMED SUBJECT MATTER

A. Claim 1

Claim 1 is directed to a method of automatically scrolling displayed information. *E.g.*, specification at page 1, lines 9-10; *id.*, page 4, lines 6-9.

The method includes placing a cursor on a respective end of a floating border structure. *E.g.*, specification at page 7, lines 3-4, 7-8, and 16-17; *id.*, at page 7, line 20, through page 8, line 1; Figure 2, elements T1, T2, B1, B2, R1, R2, L1, and L2; Figure 3, elements 52, 54, 56, and 58.

The method further includes, in direct response to placing the cursor on the end, automatically scrolling through content extending beyond a display window into a field of view of

the display window in a predetermined direction designated by the end. *E.g.*, specification, at page 7, lines 4-7, 8-11, and 17-19; *id.*, at page 8, lines 1-3.

B. Claim 10

Claim 10 is also directed to a method of automatically scrolling. *E.g.*, specification at page 1, lines 9-10; *id.*, page 4, lines 6-9.

The method includes placing a cursor on at least one of a plurality of direction indicators. *E.g.*, Figure 2, elements T1, T2, B1, B2, R1, R2, L1, and L2; Figure 3, elements 52, 54, 56, and 58; specification at page 7, lines 3-4, 7-8, and 16-17; *id.*, at page 7, line 20, through page 8, line 1.

The method further includes, in direct response to the placing the cursor on the one direction indicator, automatically scrolling through content extending beyond a display window, into a field of view of the display window, in a predetermined direction designated by the one direction indicator. *E.g.*, specification at page 7, lines 4-7, 8-11, and 17-19; *id.*, at page 8, lines 1-3.

C. Claim 11

Claim 11 is directed to a browser display window. *E.g.*, Figures 2 and 3, displayed windows (unnumbered); specification at page 1, lines 9-14; *id.*, at page 6, lines 8-14.

The display includes a display window having a field of view. E.g., Figures 2 and 3, displayed windows (unnumbered); id., specification at page 1, lines 10-14; id., at page 7, lines 3-11.

The display further includes a first floating border structure having first and second ends oriented in a vertical plane for effectuating automatic scrolling vertically through content within the field of view in direct response to a cursor being placed on a respective one of the first and second ends. *E.g.*, Figure 2, elements 30 and 32; Figure 3, elements 52 and 54; specification at page 6, line 15, through page 7, line 11.

The display also includes a second floating border structure having third and fourth ends oriented in a horizontal plane for effectuating automatic scrolling horizontally through content within the field of view in direct response to the cursor being placed on a respective one of the third and fourth ends. *E.g.*, Figure 2, elements 34 and 36; Figure 3, elements 56 and 58; specification at page 6, line 15, through page 7, line 2; *id.*, at page 7, line 16, through page 8, line 3.

D. Claim 21

Claim 21 is directed to a method of displaying and navigating through a website. *E.g.*, specification at page 4, lines 6-9; *id.*, at page 10, lines 14-19; *id.*, at page 11, lines 9-14; *id.*, at page 13, lines 4-12; *id.*, at page 13, line 18, through page 14, line 5.

The method includes displaying a page of a website. *E.g.*, Figures 2, 3, 4A-4G, 5A-5F, displayed windows (unnumbered); specification at page 10, lines 14-19; *id.*, at page 11, lines 9-12.

The method further includes, during the displaying step, automatically scrolling the page to push and allure navigation through the website, even if the user does nothing. *E.g.*, specification at page 11, lines 13-14 and 18-20; *id.*, at page 13, line 18, through page 14, line 2; *id.*, at page 17, lines 17-20; the Abstract.

E. Claim 31

Claim 31 is directed to apparatus for displaying and navigating through a website. *E.g.*, specification at page 1, lines 10-14; *id.*, at page 4, lines 6-9; *id.*, at page 10, lines 14-19; *id.*, at page 11, lines 9-14; *id.*, at page 13, lines 4-12; *id.*, at page 13, line 18, through page 14, line 5.

The apparatus includes a browser window having a field of view for displaying a webpage of a website within the field of view. *E.g.*, Figures 2, 3, 4A-4G, and 5A-5F, displayed windows (unnumbered); *id.*, specification at page 1, lines 10-14; *id.*, at page 7, lines 3-11; *id.*, at page 10, lines 14-19.

The displayed webpage is automatically scrolled to push and allure navigation through the website, even if the user does nothing. *E.g.*, specification at page 11, lines 13-14 and 18-20; *id.*, at page 13, line 18, through page 14, line 2; *id.*, at page 17, lines 17-20.

VI CONCISE STATEMENT OF THE GROUNDS OF REJECTION

The grounds of rejection in the Final Office Action are as follows:

- 1. Claims 1-24, 27-34, and 36-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Berstis *et al.*, U.S. Patent Number 5,874,936 ("Berstis" hereinafter).
- 2. Claims 25, 26, and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berstis in view of Bates *et al.*, U.S. Patent Number 6,222,541 ("Bates" hereinafter).

VII ARGUMENT

A. Introduction and Summary

Berstis, the main reference cited in support of claim rejections, requires continued operation of a remote pointing device to scroll through displayed information. In Applicant's view, this is tantamount to requiring a user to operate continuously a mouse of the prior art described in Berstis, at least after the cursor reaches a border. Because Berstis requires continuing user action to scroll, Berstis's scrolling is not truly "automatic." In contradistinction, scrolling is performed even if the user does nothing according to claims 21 and 31 of the present application. Scrolling is performed in direct response to cursor placement according to claims 1, 10, and 11.

B. Rejection of Independent Claim 1 as Being Anticipated by Berstis

Independent claim 1 recites a step of automatically scrolling through content extending beyond a display window into a field of view of the display window in a predetermined direction designated by the end of a floating border structure. This step is performed in direct response to placing a cursor on the end of the floating border structure.

In rejecting this claim, the Final Office Action cited (1) Berstis, at column 2, lines 7-9, and (2) Berstis, the abstract, as disclosing the automatic scrolling step. Berstis indeed speaks of "automatically scrolling the contents of a window." Berstis, column 2, lines 7-8. The meaning of "automatically scrolling" in Berstis is, however, not the same as the meaning of similar expressions used in the claims of the present application. Moreover, Berstis does not disclose performing scrolling in direct response to placing a cursor on the end of the floating border structure.

In claim 1, automatic scrolling is performed when the cursor is placed on an end of the floating border structure. Because the scrolling occurs <u>in direct response</u> to such cursor placement, it does not require the user to take any other action. This is one of the benefits of the invention. Specification at page 10, lines 10-13. In contrast, Berstis requires that a remote pointing device be operated in order to scroll. This is clear from a number of statements made in Berstis, leaving no doubt that operation of the remote pointing device is required for the so-called "automatic scrolling" described in that document. Consider, for example, Berstis's description of Figure 2:

Referring now to FIG. 2, there is shown the operation of the automatic scroll function of the invention. . . . When the button on the pointing device controlling

cursor 38 is operated, the cursor 38 moves right in the active window 32. When the cursor 38 encounters the right boundary 40 of the active window 32, the contents of the active window 32 are scrolled to the right if a user continues operating the button on the pointing device. Once all contents of the active window have been scrolled to the right, continued operation of the pointing device button causes the cursor 38 to jump from the active window 38 to the closest open window 34. The user can also make the cursor jump to the closest open window before all of the contents of the active window are scrolled by applying a greater force to the pointing device. The middle window 34 now becomes the active window. Further operation of the pointing device will cause the cursor 38 to move right in window 34 until the right boundary 42 is encountered. Again, continued operation of the pointing device button will cause automatic scrolling of the contents of the middle window 34. After all the contents have been scrolled, continued operation of the pointing device button causes the cursor 38 to jump to the closest window 36. . . . In a similar manner, the invention allows movement of the cursor 38 vertically in the window to permit scrolling of the contents vertically.

Berstis, col. 2, line 66, through col. 3, line 28 (emphasis provided). Thus, in Berstis it is the *operation* or *continued operation* of the pointing device that causes the so-called "automatic scrolling."

Consider also Berstis's Figure 3, which shows "a flow diagram for controlling the operation of the cursor using the invention." Berstis, col. 3, lines 34-36. According to the flow diagram, "the procedure moves to block 64 where a determination is made whether user input have been detected from the pointing device. If NO, the procedure loops awaiting user input." Berstis, col. 3, lines 39-42 (emphasis provided). Scrolling, which takes place in block 70 (Figure 3 and column 3, lines 50-52), is not performed while the "procedure loops awaiting user input."

Berstis inventors, being their own lexicographers, were free to use the expression "automatic scrolling" as they reasonably chose. Their choice, however, must be viewed in the context of their specification. Similarly, Applicant's "automatically scrolling" in claim 1 (and identical or similar

expressions in other claims) must be considered in the context of the present specification. *Phillips v.*AWH Corp., Civ. App. Nos. 03-1269,-1286 (Fed. Cir. Jul. 12, 2005) (en banc). And the specification leaves no doubt that in the present application this term refers to scrolling in response to placing the cursor on an end of the floating border structure.

Furthermore, Applicant has amended claim 1 to recite expressly that "automatically scrolling" is performed *in direct response* to the cursor placement. The adjective *direct* means "[e]xisting or occurring without intermediaries or intervention; immediate, uninterrupted." OXFORD UNIVERSITY PRESS, THE NEW SHORTER OXFORD *ENGLISH DICTIONARY* (CD-ROM ed. 1996). This is a general understanding of the adjective *direct* when it is used to describe action. Indeed, construing the meaning of a similar phrase, the Court of Appeals for the Federal Circuit has opined that "directly operable in response to" is more limiting than simply "operable in response to." *Instance v. On Serts Sys., Inc.*, Civ. App. No. 96-1112, slip op. 6 (Fed. Cir. Feb. 21, 1997) (unpublished).

In fact, it appears that the Final Office Action acknowledges (page 7, last paragraph) that Berstis requires the user to operate the remote pointing device in order to scroll. The Final Office Action then asserts that

the continued operation of the Berstis button that applicant refers to is simply the positioning commands entered through the specific device of a television-style remote control. These inputs are <u>equivalent</u> to the positioning commands found in a mouse environment, and which are part of applicant's invention in "placing a cursor".

Final Office Action, at 7-8 (emphasis provided). Applicant takes issue with this statement for at least two reasons.

¹ Applicant cites this opinion solely as an example of common understanding of the terms discussed above. The

First, equivalence should not be considered in determining anticipation under section 102. To anticipate a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (*quoted with approval in MPEP* § 2131). The issue, therefore, should be whether Berstis discloses the "identical invention . . . in as complete detail as is contained in the . . . claim." *Id*.

Second, automatic scrolling in claim 1 is performed without any positioning commands once the cursor is appropriately placed. When the cursor is so placed, scrolling is performed. In contrast, Berstis requires continued operation of the pointing device after the cursor is positioned.

Thus, "automatic scrolling" in claim 1 occurs without the user operating a pointing device, either remote or local, but <u>in direct response</u> to the placement of the cursor at an end of the floating border structure. Berstis discloses scrolling <u>in response to user operation</u> of the remote pointing device after placement of the cursor on a boundary. Berstis fails to anticipate claim 1 at least for this reason.

C. Rejection of Independent Claim 10 as Being Anticipated by Berstis

Claim 10 recites a step of "in direct response to the step of placing the cursor on the one direction indicator, automatically scrolling through content extending beyond a display window, into a field of view of the display window, in a predetermined direction designated by the one direction indicator." Thus, automatic scrolling in accordance with claim 10 is performed *in direct response* to

placing the cursor on the direction indicator. As discussed above in relation to claim 1, Berstis discloses scrolling in response to user operation of the remote pointing device after placement of the cursor on a boundary. Berstis does not disclose scrolling in direct response to placing the cursor. At least for this reason, Berstis does not anticipate claim 10.

D. Rejection of Independent Claim 11 as Being Anticipated by Berstis

Independent claim 11 recites first and second floating border structures with ends oriented in vertical and horizontal planes, respectively. Each of these structures effectuates automatic scrolling "in direct response to a cursor being placed on" one of the ends. As discussed above in relation to claim 1, Berstis does not disclose scrolling in direct response to cursor placement. At least for this reason, Berstis does not anticipate claim 11.

E. Rejection of Independent Claim 21 as Being Anticipated by Berstis

Independent claim 21 recites a step of "during the displaying step, automatically scrolling the page to push and allure navigation through the website, even if the user does nothing." In accordance with this claim, automatic scrolling is performed even if the user does nothing. Berstis, however, requires the user to operate the remote pointing device in order to scroll. See, for example, Berstis, col. 3, lines 3-5, 7-9, and 19-21; and Figure 3, blocks 64 and 70. See also the discussion above relating to claim 1. Therefore, Berstis requires the user to do something – operate the pointing device – in order to scroll. Because Berstis does not disclose automatic scrolling even if the user

does nothing, Berstis does not disclose automatic scrolling as recited in claim 21. At least for this reason, Berstis fails to anticipate claim 21.

F. Rejection of Independent Claim 31 as Being Anticipated by Berstis

The apparatus claimed in claim 31 automatically scrolls a webpage "to push and allure navigation through the website, even if the user does nothing." As discussed above in relation to claim 21, Berstis requires the user to operate the remote pointing device in order to scroll; automatic scrolling in Berstis is not performed "if the user does nothing," as is recited in claim 31. At least for this reason, Berstis fails to anticipate claim 31.

G. Rejection of Dependent Claim 5 as Being Anticipated by Berstis

For convenience of discussion, dependent claim 5 is set forth below:

- 5. (Original) The method according to claim 1, further comprising the steps of:
- (c) during the step (b), determining if a full-screen shift of the content has occurred; and
 - (d) in response to step (c) automatically pausing the step (b).

In rejecting this claim, the Final Office Action states that Page Down and Page Up operations during scrolling were known, and "incorporation of this mode into applicant's 'border structure'-based scrolling will result in 'pausing the step (b)' 'if a full-screen shift of the content has occurred'." On its face, the rejection attempts to incorporate a certain feature <u>into applicant's invention</u>, not into the prior art. This is improper.

According to Berstis,

When the cursor 38 encounters the right boundary 40 of the active window 32, the contents of the active window 32 are scrolled to the right if a user continues operating the button on the pointing device. Once all contents of the active window have been scrolled to the right, continued operation of the pointing device button causes the cursor 38 to jump from the active window 38 to the closest open window 34.

Berstis, col. 3, lines 5-12. Berstis therefore teaches continued scrolling followed by jumping to another window. Berstis does not teach determining if a full screen shift has occurred, or pausing scrolling after a full screen shift. Moreover, the scrolling in Berstis's invention appears to be continuous, not instantaneous page shifts such as would result from Page Up and Page Down operations. See, for example, Berstis, Figure 3, blocks 69 and 72 (relating to cursor speed).

Applicant respectfully submits that claim 5 is separately patentable at least for these reasons.

H. Rejection of Dependent Claims 24 and 34 as Being Anticipated by Berstis

In rejecting dependent claims 24 and 34, the Final Office Action states that "it is also a well-known property of a 'website' to include a 'blinking picture or link'." Official Notice of this fact has not been taken. Taking Official Notice would have constituted a new ground of rejection and the action could not have been made final. Moreover, whether a certain claim limitation is well-known is of no consequence when the rejection is for anticipation under section 102.

At least for these reasons, Applicant respectfully submits that claims 24 and 34 are separately patentable.

LH 007 Patent

I. Rejection of Remaining Dependent Claims

Dependent claims not specifically addressed in the above arguments should be patentable at least for the reasons discussed in relation to their base and intervening claims, if any.

VIII CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all pending claims are patentable over Berstis and Bates and respectfully requests reversal of the rejections.

Respectfully submitted,

Dated: 7/27/2005

Anatoly S. Weiser Reg. No. 43,229

APPENDIX - CLAIMS ON APPEAL

The following is a listing of the claims in the application. All claims (1-39) have been rejected and are involved in this Appeal.

- 1. (Previously Presented) A method of automatically scrolling comprising the steps of:
- (a) placing a cursor on a respective end of a floating border structure; and,
- (b) in direct response to step (a), automatically scrolling through content extending beyond a display window into a field of view of the display window in a predetermined direction designated by the end.
 - 2. (Original) The method according to claim 1, wherein: the floating border structure has a top end and a bottom end; and the step (b) includes:

when the respective end is the top end, the content is automatically scrolled down to bring the content within the field of view; and,

when the respective end is the bottom end, the content is automatically scrolled up to bring the content within the field of view.

3. (Original) The method according to claim 2, wherein the floating border structure has a right-side end and a left-side end; and

wherein the step (b) further includes the steps of:

when the respective end is the right-side end, the content is automatically scrolled left to bring the content within the field of view; and

when the respective end is the left-side end, the content is automatically scrolled right to bring the content within the field of view.

- 4. (Original) The method according to claim 1, further comprising the steps of:
- (c) moving the cursor away from the respective end; and
- (d) directly in response to the step (c), automatically stopping the step (b).
- 5. (Original) The method according to claim 1, further comprising the steps of:
- (c) during the step (b), determining if a full-screen shift of the content has occurred; and
- (d) in response to step (c) automatically pausing the step (b).
- 6. (Original) The method according to claim 5, further comprising the steps of:
- (e) after the step (d), clicking a left key of a mouse; and
- (f) in response to the step (e), resuming the step (b).
- 7. (Original) The method according to claim 1, wherein the display window is a browser window, and the content is a page.
- 8. (Original) The method according to claim 1, wherein the floating border structure is a floating line or floating box.
- 9. (Original) The method according to claim 1, further comprising the steps of activating a user control to perform one of: begin automatic scrolling, stop automatic scrolling, advance scrolling a page, increase scrolling speed and decrease scrolling speed.
 - 10. (Previously Presented) A method of automatically scrolling comprising the steps of: placing a cursor on at least one of a plurality of direction indicators; and

in direct response to the step of placing the cursor on the one direction indicator, automatically scrolling through content extending beyond a display window, into a field of view of the display window, in a predetermined direction designated by the one direction indicator.

- 11. (Previously Presented) A browser display window comprising:
- a display window having a field of view;
- a first floating border structure having first and second ends oriented in a vertical plane for effectuating automatic scrolling vertically through content within the field of view in direct response to a cursor being placed on a respective one of the first and second ends; and

a second floating border structure having third and fourth ends oriented in a horizontal plane for effectuating automatic scrolling horizontally through content within the field of view in direct response to the cursor being placed on a respective one of the third and fourth ends.

- 12. (Original) The window according to claim 11, wherein, the first floating border structure has a top end and a bottom end such that when the respective end is the top end, the content is automatically scrolled down to bring the content within the field of view, and when the respective end is the bottom end, the content is automatically scrolled up to bring the content within the field of view.
 - 13. (Original) The window according to claim 12, wherein:

the second floating border structure has a right-side end and a left-side end; and

when the respective end is the right-side end, the content is automatically scrolled left to bring the content within the field of view; and

when the respective end is the left-side end, the content is automatically scrolled right to bring the content within the field of view.

- 14. (Original) The window according to claim 11, wherein the content is a page.
- 15. (Original) The window according to claim 11, wherein the first and second floating border structures are a floating line.

- 16. (Original) The window according to claim 11, wherein the first and second floating border structures are a floating box.
- 17. (Original) The window according to claim 11, wherein the automatic scrolling is limited to a full-screen shift.
- 18. (Original) The window according to claim 11, wherein the automatic scrolling is automatically stopped when the cursor is moved away from the first floating border structure or the second floating border structure.
- 19. (Previously Presented) The window according to claim 11, wherein the display window is a main display window; and,

further comprising:

a second display window having a second field of view within the main display window;

a first floating sub-border structure having first and second ends oriented in a vertical plane for effectuating automatic scrolling vertically through content within the second field of view in direct response to the cursor being placed on a respective one of the first and second ends of the first floating sub-border structure; and

a second floating sub-border structure having third and fourth ends oriented in a horizontal plane for effectuating automatic scrolling horizontally through content within the second field of view in direct response to the cursor being placed on a respective one of the third and fourth ends of the second floating sub-border structure.

20. (Original) The window according to claim 11, further comprising: a plurality of autoscrolling controls, the autoscrolling controls including at least two of:

```
a go button;
```

- a stop button;
- a page button;
- a continuous button;
- a slow down button; and,
- a speedup button.
- 21. (Previously Presented) A method of displaying and navigating through a website comprising the steps of:

displaying a page of a website; and,

during the displaying step, automatically scrolling the page to push and allure navigation through the website, even if the user does nothing.

22. (Original) The method according to claim 21, wherein the website has multiple categories wherein each category has multiple sub-categories; and further comprising the step of:

displaying a floating dynamic instruction box overlaid on the page that displays navigational links for alluring the user to further navigate to a category or to a sub-category.

- 23. (Original) The method according to claim 21, wherein the page is a website home page.
- 24. (Original) The method according to claim 21, wherein the page includes at least one blinking picture or link; and

further comprising the step of:

dynamically changing the floating dynamic instruction box in response the at least one blinking picture to entice the user to further navigate.

25. (Original) The method according to claim 21, further comprising the steps of:

automating sequences of blinking links in a page; and,

activating the blinking links of the sequences to automatically and sequentially push navigation within the website.

- 26. (Original) The method according to claim 25, wherein the sequences are based on user demographics or profile.
- 27. (Original) The method according to claim 21, wherein the page includes at least two independent windows.
- 28. (Original) The method according to claim 27, further comprising the step of automatically scrolling independently the at least two independent windows.
- 29. (Original) The method according to claim 27, further comprising the steps of: automatically scrolling a first one of the at least two independent windows at a first speed; and,

automatically scrolling a second one of the at least two independent windows at a second speed different from the first speed.

- 30. (Original) The method according to claim 27, further comprising the steps of: manually scrolling a first one of the at least two independent windows; and, continuously, automatically scrolling a second one of the at least two independent windows.
- 31. (Previously Presented) An apparatus for displaying and navigating through a website comprising a browser window having a field of view for displaying a webpage of a website within the field of view, wherein the webpage is automatically scrolled to push and allure navigation through the website, even if the user does nothing.

32. (Original) The apparatus according to claim 31, wherein the website has multiple categories wherein each category has multiple sub-categories; and

further comprising:

- a floating dynamic instruction box adapted to be overlaid on the webpage that displays navigational links for alluring the user to further navigate to a category or to a subcategory.
- 33. (Original) The apparatus according to claim 31, wherein the webpage is a website home page.
- 34. (Original) The apparatus according to claim 31, wherein the webpage includes at least one blinking picture or link;

further comprising:

means for dynamically changing the floating dynamic instruction box in response the at least one blinking picture to entice the user to further navigate.

- 35. (Original) The apparatus according to claim 31, further comprising: means for automating sequences of blinking links in the webpage; and means for activating the blinking links of the sequences to automatically and sequentially push navigation within the website.
- 36. (Original) The apparatus according to claim 31, wherein the webpage includes at least two independent windows.

- 37. (Original) The apparatus according to claim 36, wherein the at least two independent windows are automatically scrolled independently.
 - 38. (Original) The apparatus according to claim 36, wherein:
- a first one of the at least two independent windows is automatically scrolled at a first speed; and
- a second one of the at least two independent windows is automatically scrolling at a second speed different from the first speed.
- 39. (Original) The apparatus according to claim 36, further comprising: means for manually scrolling a first one of the at least two independent windows; and means for continuously, automatically scrolling a second one of the at least two independent windows.